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UNCLAS SECTION 01 OF 08 CARACAS 000624

SIPDIS

SENSITIVE

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NSC FOR CBARTON  
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DEPT OF JUSTICE  
DEPT OF HOMELAND SECURITY  
DEPT OF LABOR  
DEPT OF TREASURY

E.O. 12958: N/A

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SUBJECT: VENEZUELA'S FIFTH ANNUAL TIP REPORT SUBMISSION

REF: A) STATE 273089 B)CARACAS 3124

1. (SBU) Per reftel A instructions, the following is post's input for the fifth annual anti-trafficking in persons (TIP) report. Political officer Carolina Hidea is the point of contact. Telephone: 58-212-907-8493; Fax: 58-212-907-8033; Email: [hideac@state.gov](mailto:hideac@state.gov). Hours spent compiling the report:

54.

2. (SBU) Post's sources of information are reliable, but generally unable to provide concrete or comprehensive information about the TIP problem in Venezuela. Poloff collected the examples of trafficking cited in this report separately at each ministry, agency, or office, so the information may not be exhaustive. Poloff contacted the following government officials: a former prosecutor for identity and citizenship fraud and TIP expert for the Attorney General's office (not for distribution); Luis Jansen, identity and citizenship fraud prosecutor; Ana Cazzadore, Director of International Crime, Drugs and Corruption at the Ministry of Foreign Affairs (MFA); Criminal Investigative Police (CICPC) Interpol Division commissioner Henry Matos; and Maria del Mar Alvarez, Women's Right's Ombudsman, National Women's Institute (INAMUJER). In addition, Ambassador has discussed generally with Vice Foreign Minister Hernandez and Ambassador to the U.S. Alvarez.

3. (SBU) International organizations providing information were UNICEF, UNHCR, and the International Organization for Migration (IOM). Non-governmental Organizations (NGOs) consulted were AMBAR, an NGO focusing on alternatives for sexual workers, sexual health and education; the Center for Women's Studies (CEM) at the Central University; and (not for distribution) Merlys Mosquera, National Director of the Jesuit Refugee Services (JRS). The Coalition Against Trafficking in Women was not active in 2004 and could provide no information.

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Paragraph 18 - Overview  
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4. Since announcement of Venezuela being a TIPS Tier 3 country last year, GOV has:

-Activated an interagency anti-trafficking working group.

-Held a joint MFA-IOM conference on trafficking for official and NGO participants.

-Passed a law that makes smuggling and some forms of trafficking a crime.

-Arrested two suspected foreign traffickers.

-Worked with Interpol on three foreign trafficking cases.

-Repatriated four trafficking victims to Venezuela.

-Tasked all Venezuelan consulates to report on Venezuelan trafficking cases.

A. (SBU) The GOV, international organizations, and non-governmental organizations (NGOs) have no estimates about the magnitude of the trafficking in persons (TIP) problem in Venezuela. No trafficking cases were reported to the National Institute for Women (INAMUJER) or the Ministry of Foreign Affairs (MFA). The Criminal Investigative Police (CICPC) Interpol Division reported working on three cases in 2004 of Venezuelan women trafficked to other countries for commercial sex purposes. One case also included foreign women transited through Venezuela with fraudulently obtained Venezuelan documents. UNHCR also reported four children along the border sold to the Colombian guerrillas as soldiers or sexual workers in 2004. From dispersed and anecdotal information gathered from the GOV, international

organizations and NGOs, Venezuela like other Latin American countries is likely to be a country of origin, transit and destination for trafficked persons. Press and anecdotal information suggest that the size and scope of the crime are similar to or less than those in most other Latin American countries. GOV officials and NGOs say women and children in Venezuela are more vulnerable to being trafficked than men.

**1B.** (SBU) Based on past experience and anecdotes, persons trafficked to or through Venezuela are most likely from China, Colombia, Ecuador, Peru and the Dominican Republic, according to a former prosecutor and MFA official Cazzadore. The NGO AMBAR reports Guyanese and Brazilian women and adolescent girls are trafficked and smuggled to mining and petroleum towns for prostitution. The Department of Homeland Security (DHS) worked with the Venezuelan military intelligence (DIM) to arrest two Indian nationals using Venezuela and Curacao as transit points to move people from India and other countries, with the U.S. often the final destination. DHS requested the removal of the two alleged alien smugglers to the U.S. for smuggling charges. DHS has not yet determined if the alleged smugglers are to be charged with trafficking. Based on the three CICPC cases in 2004, destination countries for trafficking victims transiting through or originating in Venezuela are Spain, Mexico and Trinidad and Tobago. According to a former prosecutor and Cazzadore, other destination countries could include Italy, Germany, the Netherlands, and the U.S.

**1C.** (SBU) There is insufficient information to make a determination about changes in the direction or extent of trafficking.

**1D.** (SBU) The MFA asked consular officers at embassies abroad to report any cases of trafficking in 2004; not one case was reported. The GOV reported no research or surveys planned or underway to document trafficking in persons. GOV has also indicated that should it initiate such research, it would not share with the USG.

**1E.** (SBU) The GOV did not report any cases of persons trafficked to Venezuela. However, the Jesuit Refugee Service's National Director Merlys Mosquera noted that child prostitution exists along the border with Colombia. Venezuelan and Colombian girls as young as 12 work in brothels or other prostitution situations. UNICEF also reported four cases of children sold to the guerrilla by their families along the Colombian border. Mosquera acknowledged, but did not confirm, rumors that parents may be selling or encouraging young men to work for Colombian guerrilla groups. Along the border with Brazil and Guyana, victims are trafficked or cross the border themselves to work as child prostitutes or laborers in mining camps according to AMBAR.

**1F.** (SBU) In the three trafficking cases the Criminal Investigative Police (CICPC) Interpol Division worked in 2004, the alleged traffickers used newspaper or printed advertisements and promises of lucrative job offers in foreign countries to target young women. According to AMBAR, young women from poorer rural areas of Venezuela are also trafficked to Caracas with promises of jobs as models, dancers or waitresses; educational opportunities; or promises of employment.

**1G.** (SBU) In January 2004, the MFA initiated a 22-person interdepartmental working group that meets approximately once a month to coordinate efforts to combat trafficking. The committee finished and approved a national action plan that designates the responsibilities or actions of each ministry or agency in June 2004. The National Assembly approved a Naturalization and Immigration Law May 24, 2004, which came into force November 20, 2004. The new law can be used to prosecute some trafficking crimes and specifically penalizes those who exploit illegal labor, promise false employment or engage in alien smuggling, with four to eight years in prison.

The MFA, Ministry of Interior and Justice (MIJ), and Attorney General's office made efforts to raise public official's awareness of trafficking through trafficking awareness training. The International Organization for Migration (IOM) organized half-day trafficking awareness presentations for approximately 45 officials each from the MFA and MIJ on January 25, 2005, at the ministries, request. The Attorney General's office also held several trafficking awareness presentations for prosecutors and staff in 2004. On January 27-28, the MFA hosted a two-day anti-trafficking conference by the IOM and OAS for government officials including the MFA, MIJ, Attorney General's office, National Guard, police, INAMUJER, and Ministry of Labor, of Education, and of Health. The IOM estimated that 170-200 government employees and a few NGOs attended the conference, about three times the numbers they originally anticipated (septel). UNICEF organized and led a three-day human rights for emergency situations training conference for the MIJ February 16-18,

12005. The conference for the MIJ and civil protection agencies was directed at helping Venezuelan authorities respond appropriately to the flooding emergency that has gripped the country since early February and included an anti-trafficking unit.

The CICPC Interpol Division is working on three international human trafficking cases involving 14 women that were reported to the police in 2004. In August 2004, two Venezuelan women who had been trafficked to Mexico with false promises of jobs notified family members that they were being forced into prostitution. The women were repatriated, but the CICPC has been unable to identify or locate the man in Venezuela responsible for convincing the women to travel to Mexico. Since June 2004, seven women have been identified as trafficked from Venezuela to Spain via France. Five of the seven women were Dominican nationals who had illegally obtained Venezuelan documents. The two Venezuelan victims were repatriated and claimed the man who had publicly advertised modeling and dancing jobs for young women in Spain trafficked 30 women to Spain in three months. However, according to the CICPC the trafficker is a Spanish dual national and has not been reported returning to Venezuela.

In September 2004, family members reported to the police that a young Venezuelan woman along with four other women from Venezuela's rural interior had been trafficked to Chaguama Island, Trinidad and Tobago, by sea with false promises of employment. The victim reported to family members that she was being forced into prostitution and would have to pay USD 800 to be allowed return to Venezuela. Trinidad and Tobago police were unable to find the victims at the bar-brothel on Chaguama Island where family members said she was working. Venezuelan police are working to identify the four remaining trafficking victims. One minor who had been with the group was stopped by a Sucre State law enforcement officer and prohibited from traveling because she was underage.

1H. (SBU) There is no hard evidence or accusations of government officials facilitating, being complicit in or condoning trafficking. However, corruption among immigration, identification, customs and border patrol officials is widespread and could facilitate trafficking.

1I. (SBU) A low awareness of the problem, a lack of qualified personnel, and the short period of time since the GOV began an anti-trafficking working group in January 2004 is a limitation. The lack of concrete information about the trafficking problem also hinders GOV efforts. The lack of a national immigration and identification database limits the information that can be compiled nationwide to identify and understand Venezuela's trafficking situation. Corruption and the ease with which fraudulent passports, identity cards, and birth certificates could be obtained is also a problem. A former prosecutor who dealt with identity theft and trafficking said that approximately 90 percent of the immigration or identification offices in Venezuela are isolated technologically, have no direct supervision, and lack funding. He also pointed out that approximately 90 percent of immigration or identification personnel are undereducated and underpaid. The result, he said, was inefficiency and corruption that led to illegal immigration and identity theft and hampered efforts against trafficking in persons.

1J. (SBU) The anti-trafficking working group composed of the MFA, MIJ, Attorney General's Office, MOD, Ministry of Education, Ministry of Health, INAMUJER, the Women's Rights Ombudsman, and the National Children's and Adolescence Protection Counsel meets approximately once a month to coordinate efforts and evaluate progress on a national anti-trafficking work plan.

1K. (SBU) Prostitution is not illegal in Venezuela, nor is it formally legalized. Article 389 of the Penal Code makes "facilitating" prostitution or the corruption of minors, as is the case for brothel owners or pimps, punishable by three to 12 months' imprisonment. If the offense is repeated, the sentence increases to three to 18 months.

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Paragraph 19 - Prevention  
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15.

1A. (SBU) Some GOV officials in the anti-trafficking working group and in other government agencies are aware of trafficking in persons as an international problem. Some acknowledge it is a problem in Venezuela. No one can, however, estimate the scale or scope since no national statistics, databases, surveys or research about the problem are known to exist.

1B. (SBU) The government agencies involved in the anti-trafficking working group are the Ministry of Foreign Affairs (MFA), Ministry of Interior and Justice (MIJ),

Attorney General's office, the Ministry of Defense (MOD), the Ministry of Education, the Ministry of Health and Social Development, the Ministry of Labor, the Ministry of Communication and Information, the Women's Rights Ombudsman, the National Women's Institute (INAMUJER), the Children's and Adolescent's Rights Council, staffers from the National Assembly, and the National Statistics Institute. The Ministry of Interior and Justice, Crime Prevention Division was designated to lead the anti-trafficking effort.

1C. (SBU) No anti-trafficking public information or education campaigns were launched in 2004. The Labor Ministry approved an IOM proposal to launch a public information campaign about human rights, not limited to anti-trafficking, especially targeted to migrant workers at the end of 2004. The IOM is currently choosing the project director and the project is set to get off the ground by April. The MIJ has an anti-trafficking pamphlet designed and awaiting Ministerial approval before printing begins.

1D. (SBU) INAMUJER supports the Women's Bank to assist women in need and enhance economic independence. The Bank provides approximately 40,000 women with business and empowerment training and small-scale financing for micro-enterprises managed by women. INAMUJER also runs a free women's hotline for victims of domestic violence, but no cases of trafficking were reported in 2004. INAMUJER has a women's shelter for victims of domestic violence. The GOV provides free public education and meals to promote school access and attendance through "Bolivarian" schools. "Bolivarian" schools also offer a full-day schedule that can keep children off the streets. The GOV also runs "Mission Ribas" which offers stipends to encourage adult dropouts to finish a high school education.

1E. (SBU) The government can support prevention programs like public information campaigns.

1F. (SBU) Awareness of trafficking as a societal problem is beginning to emerge in Venezuela. In 2004, no NGOs dealt with trafficking directly, however, some women's and children's NGOs addressed violence against women, child prostitution or child labor issues. The GOV invited some NGOs to the anti-TIP conference in January 2005. MFA official Cazzadore acknowledged the need to get NGOs and civil society involved but is moving cautiously, citing concern about the legitimacy or alleged political agendas of some NGOs. The IOM has gained cautious acceptance on trafficking issues and has worked with the MFA, MIJ and Labor Ministry. The IOM has also received requests for training from the Attorney General's office.

1G. (SBU) Venezuela's borders are extensive, porous, and often isolated. Due to corruption and poor training among immigration, customs and National Guard troops along the borders, Venezuela does not adequately monitor its borders. Without a national database, immigration and emigration patterns are not compiled nor studied.

1H. (SBU) The MFA chairs a 22-person interdepartmental working group on trafficking in persons. The MIJ Crime Prevention Division was designated as the lead agency on trafficking issues.

1I. (SBU) The MFA hosted an IOM-OAS international anti-trafficking seminar January 27-28, 2005, attended by 170-200 government officials; however, GOV does not participate in international working groups or efforts to control trafficking. The GOV does not cooperate with the U.S. on trafficking, but it says it will cooperate with the United Nations (UN). Cazzadore noted that the MFA has consulted Brazil, Colombia, the Dominican Republic and Ecuador about the trafficking problem and possible anti-trafficking measures.

1J. (SBU) The interdepartmental working group designed and disseminated to members a national action plan with responsibilities for each ministry and agency. No NGOs were consulted.

1K. (SBU) Each agency is tasked with creating its own anti-trafficking training and programs. In 2004, the MFA, MIJ, and Attorney General's office offered anti-TIP awareness training to employees.

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Paragraph 20 - Investigation and Prosecution  
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16.

1A. (SBU) Articles 52-59 of Venezuela's Naturalization and Immigration Law in force since November 20, 2004, make exploiting illegal labor, falsely promising an employment contract to encourage immigration to another country, or encouraging illegal immigration or smuggling to/through/from Venezuela punishable by four to eight years in prison. If

immigrant smuggling is done for profit, using violence, intimidation or fraud the sentence increases to eight to ten years. If a victim's life or health is endangered, then the range of punishment increases by an additional 50 percent. The law punishes a public servant that encourages through actions or omissions the fraudulent entry or exit of a person with four to eight years in prison and exclusion from public service for 10 years. The law does not include internal forms of trafficking. Laws against forced disappearance and kidnapping, punishable by two to six years, imprisonment can be used to prosecute traffickers. In the case of children, the Organic Law to Protect Children and Adolescents (LOPNA), with fines of one to 10 months, salary for trafficking in children, can also be used. The GOV did not report any prosecution of trafficking cases.

1B. (SBU) The Naturalization and Migration Law does not specifically differentiate between sexual and labor exploitation or limit what false offers of employment contracts can include.

1C. (SBU) Rape or forcible sexual assault is punishable by five to 10 years in prison. There is no law specifically prohibiting sexual trafficking in women, so the penalties cannot be compared. For children the LOPNA makes trafficking punishable with fines of one to 10 months, salary.

1D. (SBU) The GOV did not report any prosecution of trafficking cases.

1E. (SBU) No evidence or confirmed reports exist that identify traffickers.

1F. (SBU) The police investigates cases of trafficking through interviews and forensic evidence if available. Intrusive, sophisticated and covert operations are restricted or prohibited by law.

1G. (SBU) Awareness and recognition of trafficking in persons training has been provided to some consular officers, MIJ employees, and prosecutors.

1H. (SBU) The CICPC Interpol division cooperated with Spanish, Mexican and Trinidadians on three separate trafficking cases. Military intelligence also cooperated with the U.S. on the arrest of an alleged alien smuggler with possible trafficking implications.

1I. (SBU) The GOV did not extradite nor report having received any requests for extradition for traffickers. Venezuelan law prohibits the extradition of a Venezuelan national.

1J. (SBU) There is no hard evidence or accusation of government officials facilitating, being complicit in or condoning trafficking. However, corruption among immigration, identification, customs and border patrol officials is widespread and could facilitate trafficking.

1K. Not applicable.

1L. (SBU) Venezuela has not identified a child sex tourism problem.

1M. (SBU):  
--The National Assembly ratified ILO Convention 182 December 4, 2003.

--ILO Convention 29 was ratified in 1944, and Convention 105 in 1964.

--The Optional Protocol to the Convention on the Rights of the Child (CRC) was signed September 2000 and ratified May 12002.

--The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children supplementing the UN convention Against Transnational Organized Crime was signed December 14, 2000.

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Paragraph 21 - Protection and Assistance to Victims  
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17.

1A. (SBU) No specialized assistance is provided for victims of trafficking. Victims can make use of the GOV's "Inside the Neighborhood" mission that provides free medical services to the poor.

1B. (SBU) The GOV does not fund foreign or domestic NGOs to provide services to trafficking victims.

1C. (SBU) The GOV did not report any screening or referral process in place for detained or arrested victims, or victims placed in protective custody.

**D.** (SBU) Of the 14 victims reported in 2004, four have been repatriated. The Venezuelan women trafficked to Mexico and Spain were not detained, jailed or fined. Five of the 14 victims were identified as foreign nationals and the information passed to the corresponding governments. Five of the 14 victims are reportedly in Trinidad and Tobago, but have not been located or repatriated. There are no plans to detain, jail or fine the victims if they are returned to Venezuela.

**E.** (SBU) Information provided by trafficking victims is used in police investigations. Victims can seek civil action against the traffickers, but none have done so to date. There is no victim restitution program.

**F.** (SBU) The GOV does not provide protection for victims or witnesses. One women's shelter run by INAMUJER is available for women victims of domestic violence but space is limited to less than 30 women. Public facilities are available for children, but the facilities are often inadequate with poorly trained staff.

**G.** (SBU) Awareness and recognition of trafficking in persons training has been provided to some consular officers, MIJ employees, and prosecutors. However, no specialized assistance training has been provided. During the January 2005 seminar, MFA consular employees were urged to develop ongoing relationships with NGOs, religious centers or media sources serving their communities to help identify or aid trafficking victims.

**H.** (SBU) Repatriated victims who may come from poorer neighborhoods can make use of the GOV's "Inside the Neighborhood" mission that provides free medical services to the poor. Shelter and financial assistance are not available.

**I.** (SBU) AMBAR provides psychological, social, medical and legal assistance to sexual workers, including child prostitutes.

**J.** (U) MINIMIZE CONSIDERED.  
Brownfield